

Exhibit 4

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

ANDREW CORZO, SIA HENRY, ALEXANDER
LEO-GUERRA, MICHAEL MAERLENDER,
BRANDON PIYEVSKY, BENJAMIN
SHUMATBRITTANY TATIANA WEAVER, and
CAMERON WILLIAMS, individually and on
behalf of all others similarly situated,

Plaintiffs,

v.

BROWN UNIVERSITY, CALIFORNIA
INSTITUTE OF TECHNOLOGY, UNIVERSITY
OF CHICAGO, THE TRUSTEES OF COLUMBIA
UNIVERSITY IN THE CITY OF NEW YORK,
CORNELL UNIVERSITY, TRUSTEES OF
DARTMOUTH COLLEGE, DUKE UNIVERSITY,
EMORY UNIVERSITY, GEORGETOWN
UNIVERSITY, THE JOHNS HOPKINS
UNIVERSITY, MASSACHUSETTS INSTITUTE
OF TECHNOLOGY, NORTHWESTERN
UNIVERSITY, UNIVERSITY OF NOTRE DAM
DU LAC, THE TRUSTEES OF THE
UNIVERSITY OF PENNSYLVANIA, WILLIAM
MARSH RICE UNIVERSITY, VANDERBILT
UNIVERSITY, and YALE UNIVERSITY,

Defendants.

Case No.: 1:22-cv-00125

Hon. Matthew F. Kennelly

**DECLARATION OF GRAHAM D. PENNY REGARDING NOTICE PURSUANT TO
CLASS ACTION FAIRNESS ACT OF 2005**

I, Graham D. Penny, declare as follows:

1. I am an Assistant Director of JND Legal Administration, LLC (“JND”). JND is a legal administration services provider with its headquarters located in Seattle, Washington. This

Declaration is based on my personal knowledge as well as upon information provided to me by experienced JND employees.

2. JND was asked by Counsel for Trustees of Dartmouth College, Northwestern University, William Marsh Rice University, and Vanderbilt University to effect notice of the proposed Settlement in the above-captioned action pursuant to the Class Action Fairness Act of 2005, 28 U.S.C. § 1715 (“CAFA”). Between February 27, 2024, and February 28, 2024,¹ JND duly sent by Federal Express or U.S. Mail notice of the settlement in the action to the United States Attorney General, the appropriate State officials, the Inspector General of the State of Georgia, and the Executive Director of the Illinois Board of Higher Education. An example CAFA notice and list of recipients is attached hereto as **Exhibit A**.

3. JND subsequently confirmed that all of the notices had been delivered. Copies of the delivery reports are attached hereto as **Exhibit B**. As of the date of this Declaration, JND has not received any inquiries or objections from any State or Federal officials.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on March 13, 2024, at Totowa, New Jersey.

BY: 

GRAHAM D. PENNY

¹ Although JND delivered all notice packets to their respective couriers on February 27, 2024, only the two (2) packets sent via U.S. Mail were mailed on that date, as FedEx did not process the notice packets that were delivered to them until the following day.

Exhibit A

February 27, 2024

Via USPS or Fedex

United States Attorney General
& Other Attorneys General and Officials
Identified in Exhibit A

Re: **Class Action Fairness Act Notice of Proposed Settlements, *Henry et al. v. Brown University et al.*, No. 1:22-cv-00125 (N.D. Ill.)**

Dear Sir/Madam:

Pursuant to the Class Action Fairness Act (“CAFA”), 28 U.S.C. § 1715(b), Trustees of Dartmouth College, Northwestern University, William Marsh Rice University, and Vanderbilt University, (together, the “Settling Universities”) hereby serve notice of their proposed settlements in *Henry et al. v. Brown University et al.*, No. 1:22-cv-00125 (the “Action”) pending in the U.S. District Court for the Northern District of Illinois (the “Court”). Six other defendants already have moved for and received preliminary approval of settlements of this Action (see below).

A motion for preliminary approval of the proposed settlements was filed with the Court on February 23, 2024. In compliance with the requirements set forth in CAFA, the Settling Universities enclose a CD containing copies of the following documents related to the Action:

1. The original class action complaint filed by individual named plaintiffs in the Action on January 9, 2022 (Dkt. 1);
2. The first amended class action complaint filed by individual named plaintiffs in the Action on February 15, 2022 (Dkt. 106);
3. The second amended class action complaint filed by individual named plaintiffs in the Action on February 6, 2023 (Dkt. 308);
4. Order Preliminarily Approving University of Chicago Settlement, Provisionally Certifying the Proposed Settlement Class, Approving the Notice Plan, and Approving the Process Scheduled for Completing the Settlement Process, dated September 9, 2023 (Dkt. 439);
5. Order suspending the dates for issuance of notice and for a final approval hearing for the University of Chicago Settlement, dated November 28, 2023 (Dkt. 530);
6. Order Preliminarily Approving Settlements With Defendants Brown University, the Trustees of Columbia University in the City of New York, Duke University, Emory University, and Yale University, Provisionally Certifying the Proposed Settlement Class, Approving the Notice Plan, Approving the Schedule for Completing the Settlement Process, and Amending the Order of September 9, 2023 Preliminarily Approving the Settlement With the University of Chicago to Conform to this Order, dated February 14, 2024 (Dkt. 614); and

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7. Plaintiffs' Motion for Preliminary Approval of Settlements with Defendants, Trustees of Dartmouth College, Northwestern University, William Marsh Rice University, and Vanderbilt University, Provisional Certification of the Proposed Settlement Class, Approval of the Notice Plan, and Approval of the Schedule for Completing the Settlement Process (Dkt. 629), which includes as exhibits thereto the Settlement Agreements, an Escrow Agreement, and proposed Summary and Long Form notices (collectively, the "Motion for Preliminary Approval").

An index of the above exhibits is attached hereto as Exhibit B.

It is not feasible to identify the names of putative class members who reside in each state, district, or territory, or to estimate the proportionate share of the claims of such members to the entire settlement. The proposed settlement class includes approximately two decades of current and former undergraduate students who attended the 17 different defendant universities, were U.S. citizens or permanent residents, and received certain need-based financial aid, with exclusions based on, among other things, the amount of financial aid received. The class definition¹ is as follows:

All U.S. citizens or permanent residents who have during the Class Period
(a) enrolled in one or more of Defendants' full-time undergraduate programs,
(b) received at least some need-based financial aid from one or more Defendants,
and (c) whose tuition, fees, room, or board to attend one or more of Defendants' full-time undergraduate programs was not fully covered by the combination of any types of financial aid or merit aid (not including loans) in any undergraduate year.²

The Class Period is defined as follows:

- i. For Chicago, Columbia, Cornell, Duke, Georgetown, MIT, Northwestern, Notre Dame, Penn, Rice, Vanderbilt, Yale—from Fall Term 2003 through the date the Court enters an order preliminarily approving the Settlement.
- ii. For Brown, Dartmouth, Emory—from Fall Term 2004 through the date the Court enters an order preliminarily approving the Settlement.
- iii. For CalTech—from Fall Term 2019 through the date the Court enters an order preliminarily approving the Settlement.

¹ See, e.g., Dkt. 629-6 at ¶ 1.c.

² For avoidance of doubt, the Class does not include those for whom the total cost of attendance, including tuition, fees, room, and board for each undergraduate academic year, was covered by any form of financial aid or merit aid (not including loans) from one or more Defendants.

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- iv. For Johns Hopkins—from Fall Term 2021 through the date the Court enters an order preliminarily approving the Settlement.

Excluded from the Class are:

- i. Any Officers³ and/or Trustees of Defendants, or any current or former employees holding any of the following positions: Assistant or Associate Vice Presidents or Vice Provosts, Executive Directors, or Directors of Defendants' Financial Aid and Admissions offices, or any Deans or Vice Deans, or any employees in Defendants' in-house legal offices; and
- ii. the Judge presiding over this action, his or her law clerks, spouse, and any person within the third degree of relationship living in the Judge's household and the spouse of such a person.

Exhibit C approximates the number of putative class members who reside in each state, district, or territory and the estimated proportionate share of the claims of such members to the entire settlement based on certain student and alumni data provided by the class administrator in the Action, including applying assumptions for individuals with unknown physical addresses. Each class member would receive a share of the proposed settlement in accordance with the proposed plan of allocation described in the Motion for Preliminary Approval and exhibits thereto.

As of the date of this letter:

- i. There are no other agreements between Class Counsel and counsel for the Settling Universities beyond those set forth in the Settlement Agreement and Escrow Agreement.
- ii. The Court has set a telephonic hearing on February 28, 2024, at 9:20 a.m. CST to consider the Motion for Preliminary Approval.
- iii. The next status hearing in the Action is scheduled for March 22, 2024, at 10:00 am CDT.
- iv. The Court has not issued any written judicial opinion or other orders relating to the Settlement Agreements, proposed notices, or the Motion for Preliminary Approval.
- v. The Court has not ordered any final judgment or notice of dismissal.

[signature blocks on next page]

³ For the avoidance of doubt, the Columbia University "Officers" excluded from the Class are members of the Senior Administration of Columbia University, and do not include exempt employees of Columbia University who are referred to as officers.

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Respectfully submitted,

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*Counsel for Defendant William Marsh Rice
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Exhibit A

CAFA Notice Distribution List

1. Merrick Garland
Office of the U.S. Attorney General
U.S. Department of Justice
950 Pennsylvania Ave NW
Washington, DC 20530-0001
2. Steve Marshall
Attorney General's Office, State of Alabama
501 Washington Ave
Montgomery, AL 36104
3. Treg R. Taylor
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4. Kris Mayes
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2005 N Central Ave
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5. Tim Griffin
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323 Center St, Ste 200
Little Rock, AR 72201-2610
6. CAFA Coordinator
Office of the Attorney General, State of California
Consumer Protection Section
455 Golden Gate Ave., Ste 11000
San Francisco, CA 94102-7004
7. Phil Weiser
Office of the Attorney General, State of Colorado
Ralph L. Carr Judicial Building
1300 Broadway, 10th Fl
Denver, CO 80203

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8. William Tong
Office of the Attorney General, State of Connecticut
165 Capitol Ave
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9. Kathy Jennings
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Carvel State Office Building
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Wilmington, DE 19801-3520
10. Brian Schwalb
Office of the Attorney General, District of Columbia
400 6th St NW
Washington, DC 20001
11. Ashley Moody
Office of the Attorney General, State of Florida
PL-01 The Capitol
Tallahassee, FL 32399-1050
12. Chris Carr
Office of the Attorney General, State of Georgia
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Atlanta, GA 30334-1300
13. Nigel Lange
Interim State Inspector General
State of Georgia Office of the Inspector General
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14. Anne E. Lopez
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15. Raúl R. Labrador
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Boise, ID 83720

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16. Kwame Raoul
Office of the Attorney General
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115 South LaSalle, 23rd Floor
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17. Ginger Ostro
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Illinois Board of Higher Education
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18. Todd Rokita
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19. Brenna Bird
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22. Elizabeth B. Murrill
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23. Aaron Frey
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24. Anthony G. Brown
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27. Keith Ellison
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28. Lynn Fitch
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29. Andrew Bailey
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Carson City, NV 89701-4717
33. John Formella
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1 Granite Place South
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34. Matthew J. Platkin
Office of the Attorney General, State of New Jersey
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Trenton, NJ 08611
35. Raúl Torrez
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Salem, OR 97301-4096
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43. Peter F. Neronha
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50. Jason S. Miyares
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51. Bob Ferguson
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52. Patrick Morrissey
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Exhibit B

Index of Exhibits

Ex. No.	Document	No. 1:22-cv-125 N.D. Ill. Dkt. No.
1.	Class Action Complaint	1
2.	Amended Class Action Complaint	106
3.	Second Amended and Supplemental Class Action Complaint	308
4.	Order Preliminarily Approving [University of Chicago] Settlement, Provisionally Certifying the Proposed Settlement Class, Approving the Notice Plan, and Approving the Process Scheduled for Completing the Settlement Process	439
5.	Order suspending the dates for issuance of notice and for a final approval hearing for the University of Chicago Settlement	530
6.	Order Preliminarily Approving Settlements With Defendants Brown University, the Trustees of Columbia University in the City of New York, Duke University, Emory University, and Yale University, Provisionally Certifying the Proposed Settlement Class, Approving the Notice Plan, Approving the Schedule for Completing the Settlement Process, and Amending the Order of September 9, 2023 Preliminarily Approving the Settlement With the University of Chicago to Conform to this	614

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7.	Plaintiffs' Motion for Preliminary Approval of Settlements with Defendants Trustees of Dartmouth College, Northwestern University, William Marsh Rice University, and Vanderbilt University, Provisional Certification of the Proposed Settlement Class, Approval of the Notice Plan, and Approval of the Schedule for Completing the Settlement Process	629
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Exhibit C

Estimate of Putative Class Members & Proportionate Share

U.S. State, District, or Territory	Estimated Number of Putative Class Members	Estimated Share of Settlement (Assuming 379,334 Class Members)
Alabama	2,070	0.5%
Alaska	416	0.1%
Arizona	2,981	0.8%
Arkansas	830	0.2%
California	41,812	11.0%
Colorado	5,305	1.4%
Connecticut	8,844	2.3%
Delaware	797	0.2%
District of Columbia	9,500	2.5%
Florida	15,522	4.1%
Georgia	14,481	3.8%
Hawaii	1,121	0.3%
Idaho	472	0.1%
Illinois	29,390	7.7%
Indiana	2,996	0.8%
Iowa	852	0.2%
Kansas	1,058	0.3%
Kentucky	1,808	0.5%
Louisiana	1,650	0.4%
Maine	1,138	0.3%
Maryland	11,731	3.1%
Massachusetts	17,723	4.7%
Michigan	4,312	1.1%
Minnesota	3,409	0.9%
Mississippi	712	0.2%
Missouri	2,893	0.8%
Montana	451	0.1%
Nebraska	581	0.2%
Nevada	1,241	0.3%
New Hampshire	1,453	0.4%
New Jersey	18,976	5.0%
New Mexico	904	0.2%
New York	73,379	19.3%
North Carolina	11,323	3.0%
North Dakota	156	0.04%

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U.S. State, District, or Territory	Estimated Number of Putative Class Members	Estimated Share of Settlement (Assuming 379,334 Class Members)
Ohio	6,690	1.8%
Oklahoma	1,086	0.3%
Oregon	2,551	0.7%
Pennsylvania	11,867	3.1%
Puerto Rico	629	0.2%
Rhode Island	2,320	0.6%
South Carolina	2,411	0.6%
South Dakota	222	0.1%
Tennessee	7,786	2.1%
Texas	21,230	5.6%
Utah	946	0.2%
Vermont	899	0.2%
Virginia	11,168	2.9%
Washington	6,499	1.7%
West Virginia	400	0.1%
Wisconsin	2,984	0.8%
Wyoming	192	0.1%
Foreign	7,097	1.9%
American Samoa	8	0.02%
Guam	34	0.1%
Northern Mariana	9	0.02%
U.S. Virgin Islands	19	0.02%
TOTAL	379,334	100%

Exhibit B



FedEx® Tracking



SHOPRUNNER by FedEx.

READY TO SHOP AGAIN? SAVE ON YOUR NEXT ORDER.



SHOP NOW

Summary Tracking Results

TRACKING ID	SHIP DATE	SHIPPER CITY, STATE	RECIPIENT CITY, STATE	STATUS	DELIVERED DATE	SCHEDULED DELIVERY DATE	SERVICE
271498143520	2/28/24	Seattle, WA	Washington, DC	✓ Delivered	2/29/24 9:41 AM		FedEx Express
271498154744	2/28/24	Seattle, WA	Anchorage, AK	✓ Delivered	2/29/24 11:48 AM		FedEx Express
271498151930	2/28/24	Seattle, WA	Montgomery, AL	✓ Delivered	2/29/24 10:16 AM		FedEx Express
271498153910	2/28/24	Seattle, WA	Little Rock, AR	✓ Delivered	2/29/24 8:53 AM		FedEx Express
271498137557	2/28/24	Seattle, WA	Phoenix, AZ	✓ Delivered	2/29/24 9:40 AM		FedEx Express
271498121124	2/28/24	Seattle, WA	San Francisco, CA	✓ Delivered	2/29/24 2:24 PM	Will be updated soon	FedEx Express
271498123208	2/28/24	Seattle, WA	Boston, MA	✓ Delivered	2/29/24 9:49 AM		FedEx Express
271498120768	2/28/24	Seattle, WA	New York, NY	✓ Delivered	2/29/24 8:50 AM		FedEx Express
271498147753	2/28/24	Seattle, WA	Denver, CO	✓ Delivered	2/29/24 10:30 AM		FedEx Express
271498154593	2/28/24	Seattle, WA	Hartford, CT	✓ Delivered	2/29/24 10:01 AM		FedEx Express
271498121569	2/28/24	Seattle, WA	Washington, DC	✓ Delivered	2/29/24 2:07 PM	Will be updated soon	FedEx Express
271498134948	2/28/24	Seattle, WA	Wilmington, DE	✓ Delivered	2/29/24 9:22 AM		FedEx Express



271498117978	2/28/24	Seattle, WA	Tallahassee, FL	✓ Delivered	2/29/24 9:43 AM		FedEx Express
271498125921	2/28/24	Seattle, WA	Atlanta, GA	✓ Delivered	2/29/24 9:17 AM	Will be updated soon	FedEx Express
271498930370	2/28/24	Seattle, WA	Honolulu, HI	✓ Delivered	2/29/24 12:37 PM		FedEx Express
271498119753	2/28/24	Seattle, WA	Des Moines, IA	✓ Delivered	2/29/24 10:06 AM	Will be updated soon	FedEx Express
271498148451	2/28/24	Seattle, WA	Boise, ID	✓ Delivered	2/29/24 10:06 AM		FedEx Express
271498137693	2/28/24	Seattle, WA	Chicago, IL	✓ Delivered	2/29/24 10:22 AM		FedEx Express
271498153369	2/28/24	Seattle, WA	Indianapolis, IN	✓ Delivered	2/29/24 10:15 AM	Will be updated soon	FedEx Express
271498138943	2/28/24	Seattle, WA	Topeka, KS	✓ Delivered	2/29/24 9:26 AM		FedEx Express
271498151079	2/28/24	Seattle, WA	Frankfort, KY	✓ Delivered	2/29/24 11:23 AM		FedEx Express
271498139321	2/28/24	Seattle, WA	Baton Rouge, LA	✓ Delivered	2/29/24 10:34 AM		FedEx Express
271498115920	2/28/24	Seattle, WA	Baltimore, MD	✓ Delivered	2/29/24 9:00 AM		FedEx Express
271498113354	2/28/24	Seattle, WA	Augusta, ME	✓ Delivered	2/29/24 10:07 AM		FedEx Express
271498126262	2/28/24	Seattle, WA	Lansing, MI	✓ Delivered	2/29/24 1:21 PM		FedEx Express
271498135576	2/28/24	Seattle, WA	Saint Paul, MN	✓ Delivered	2/29/24 8:55 AM		FedEx Express
271498114475	2/28/24	Seattle, WA	Jefferson City, MO	✓ Delivered	2/29/24 10:17 AM		FedEx Express
271498134753	2/28/24	Seattle, WA	Jackson, MS	✓ Delivered	2/29/24 11:39 AM		FedEx Express



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Summary Tracking Results

TRACKING ID	SHIP DATE	SHIPPER CITY, STATE	RECIPIENT CITY, STATE	STATUS	DELIVERED DATE	SCHEDULED DELIVERY DATE	SERVICE
271498117831	2/28/24	Seattle, WA	Helena, MT	✓ Delivered	2/29/24 10:02 AM		FedEx Express
271498134639	2/28/24	Seattle, WA	Raleigh, NC	✓ Delivered	2/29/24 11:55 AM		FedEx Express
271498128806	2/28/24	Seattle, WA	Bismarck, ND	✓ Delivered	2/29/24 10:50 AM		FedEx Express
271498145511	2/28/24	Seattle, WA	Lincoln, NE	✓ Delivered	2/29/24 9:23 AM		FedEx Express
271498131743	2/28/24	Seattle, WA	Concord, NH	✓ Delivered	2/29/24 8:55 AM		FedEx Express
271498143780	2/28/24	Seattle, WA	Trenton, NJ	✓ Delivered	2/29/24 9:32 AM		FedEx Express
271498145680	2/28/24	Seattle, WA	Santa Fe, NM	✓ Delivered	2/29/24 9:09 AM		FedEx Express
271498112130	2/28/24	Seattle, WA	Carson City, NV	✓ Delivered	2/29/24 12:46 PM		FedEx Express
271498127935	2/28/24	Seattle, WA	Columbus, OH	✓ Delivered	2/29/24 9:26 AM		FedEx Express
271498131022	2/28/24	Seattle, WA	Oklahoma City, OK	✓ Delivered	2/29/24 2:13 PM		FedEx Express
271498129170	2/28/24	Seattle, WA	Salem, OR	✓ Delivered	2/29/24 1:18 PM		FedEx Express
271498145073	2/28/24	Seattle, WA	Harrisburg, PA	✓ Delivered	2/29/24 9:43 AM		FedEx Express



271498147812	2/28/24	Seattle, WA	Providence, RI	✓ Delivered	2/29/24 2:03 PM		FedEx Express
271498113516	2/28/24	Seattle, WA	Columbia, SC	✓ Delivered	2/29/24 9:46 AM		FedEx Express
271498141479	2/28/24	Seattle, WA	Pierre, SD	✓ Delivered	2/29/24 9:02 AM		FedEx Express
271498133459	2/28/24	Seattle, WA	Nashville, TN	✓ Delivered	2/29/24 10:37 AM		FedEx Express
271498137329	2/28/24	Seattle, WA	Austin, TX	✓ Delivered	2/29/24 10:20 AM		FedEx Express
271498151594	2/28/24	Seattle, WA	Salt Lake City, UT	✓ Delivered	2/29/24 10:23 AM		FedEx Express
271498131239	2/28/24	Seattle, WA	Richmond, VA	✓ Delivered	2/29/24 9:26 AM		FedEx Express
271498124031	2/28/24	Seattle, WA	Montpelier, VT	✓ Delivered	3/1/24 10:35 AM		FedEx Express
271498119102	2/28/24	Seattle, WA	Olympia, WA	✓ Delivered	2/29/24 10:21 AM	Will be updated soon	FedEx Express
271499939617	2/28/24	Seattle, WA	Charleston, WV	✓ Delivered	2/29/24 9:12 AM		FedEx Express
271498120654	2/28/24	Seattle, WA	Cheyenne, WY	✓ Delivered	2/29/24 10:23 AM	Will be updated soon	FedEx Express
271498465614	2/28/24	SEATTLE, WA	TAMUNING	✓ Delivered	3/5/24 10:12 AM		FedEx Express
775339474502	2/28/24	SEATTLE, WA	SAIPAN	✓ Delivered	3/8/24 1:52 PM		FedEx Express
271498633577	2/28/24	SEATTLE, WA	SAN JUAN, PR	✓ Delivered	2/29/24 1:43 PM		FedEx Express
271498739339	2/28/24	SEATTLE, WA	ST THOMAS	✓ Delivered	3/1/24 3:07 PM		FedEx Express
271498147054	2/28/24	Seattle, WA	Atlanta, GA	✓ Delivered	2/29/24 10:37 AM	Will be updated soon	FedEx Express



271498784489

2/28/24

Seattle, WA

Springfield, IL



Delivered

2/29/24 9:59 AM

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FedEx Express

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February
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